

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA §
§
v. § Criminal Case No. 3:10-CR-42-L (03)
§
GARY EQUILUZ ALFARO, §
#43041-177, §

ORDER

On September 29, 2016, Magistrate Judge Renée Harris Toliver entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending that the court grant Defendant an extension of time to appeal because good cause or excusable neglect exists for the untimely notice of appeal. No objections to the Report were filed.

Having reviewed the pleadings, file, record in this case, and the Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **concludes** that good cause or excusable neglect exists for Defendant’s untimely notice of appeal, **extends** Defendant’s deadline to appeal under Fed. R. App. 4(b)(5) to January 5, 2016, such that his notice of appeal is **deemed timely**, and **directs** the clerk of the court to return this case to the Fifth Circuit for further proceedings.

It is so ordered this 26th day of October, 2016.


Sam A. Lindsay
United States District Judge